

TENTH DAY.

Senate Chamber,
Austin, Texas,
October 12, 1936.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotton.	Regan.
Davis.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Weinert.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

DeBerry.	Shivers.
Nelson.	

Senators Excused.

Senator Shivers was excused on important business on motion of Senator Burns.

Senator Nelson was excused on important business on motion of Senator Collie.

Prayer by the Chaplain, B. W. Allen.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Committee Reports.

(See Appendix.)

Bills and Resolutions.**S. C. R. No. 11.**

By Senator Cotten:

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the State Superintendent and the State Board of Education are hereby directed to take from the five million (\$5,000,000.00) dollar appropriation for the school year 1936-37, a sufficient amount to pay the same percentage on high school tuition as has been paid on

transportation, teacher aid, and other forms of aid mentioned under the Equalization Law, this amount not to exceed one hundred fifty thousand (\$150,000.00) dollars. This will make the distribution of these funds equal and just to all, in that for the year 1936-37, all schools can be paid on the percentage basis, as directed by the Equalization Law.

Read and referred to Committee on Finance.

Point of Order.

Senator Burns raised the point of order that S. C. R. No. 11 was for an appropriation and did not come within the Governor's call.

The Chair stated that he would not rule on this question until after the committee had reported.

Senate Bill No. 3.

Senator Hill called from the table S. B. No. 3.

The Chair laid before the Senate on its final passage S. B. No. 3.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 12, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 8, A bill to be entitled "An Act levying and imposing occupation taxes on certain industries, and public utilities, and natural resources; providing how the moneys, so derived, shall be allocated to the Texas Old Age Assistance Fund; levying an occupation tax on gas, electric light, electric power, or water works, or water and light plants, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 8.

The Chair laid before the Senate on its first reading, H. B. No. 8.

By Messrs. James and Frazer:
H. B. No. 8, A bill to be entitled
"An Act levying and imposing occu-
pation taxes on certain industries,
and public utilities, and natural re-
sources; providing how the moneys,
so derived, shall be allocated to the
Texas Old Age Assistance Fund; levy-
ing an occupation tax on gas, electric
light, electric power, or water works,
or water and light plants, etc., and
declaring an emergency."

Read and referred to Committee
on State Affairs.

Senate Bill No. 3.

Pending business was S. B. No. 3.
The question recurred on the final
passage of Senate Bill No. 3. The
bill was passed by the following vote:

Yeas—16.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Regan.
Davis.	Small.
Hill.	Van Zandt.
Isbell.	Westerfeld.

Nays—10.

Holbrook.	Sanderford.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Weinert.
Rawlings.	Woodruff.

Absent.

Redditt.

Absent—Excused.

DeBerry.	Shivers.
Nelson.	

S. C. R. No. 4.

On motion of Senator Poage, the
Senate concurred in House amend-
ments to S. C. R. No. 4 by a viva
voce vote.

Senate Bill No. 11.

The Chair laid before the Senate:
on second reading

S. B. No. 11, A bill to be entitled
"An Act amending H. B. No. 10,
Regular Session, Forty-first Legisla-
ture, 1929; and declaring an emer-
gency."

The rule requiring committee re-
ports to lie over one day was sus-
pended by unanimous consent.

Amend Senate Bill No. 11 by strik-
ing out all above the enacting clause,

and substituting in lieu thereof the
following:

A BILL

To Be Entitled

An Act amending H. B. No. 10 of
Regular Session 41st Legislature,
1929, as amended by S. B. No. 321
of Regular Session 44th Legisla-
ture, 1935; and declaring an emer-
gency.

MOORE.

Read and adopted.

Amend Senate Bill No. 11 by strik-
ing out all below the enacting clause
and substituting in lieu thereof the
following:

Section 1. That Section 7 of House
Bill No. 10 of the Regular Session of
the 41st Legislature, 1929, as amend-
ed by Senate Bill No. 321 of Regular
Session 44th Legislature, 1935, be
amended so as to hereafter read as
follows:

"Sec. 7. The Junior College Dis-
trict created under this Act shall
have the power to issue bonds for
the construction and equipment of
school buildings and the acquisition
of sites therefor, and to provide for
the interest and sinking fund for
such bonds by levying of such taxes
as will be necessary in this connec-
tion. The Junior College District
shall also levy and collect taxes for
the support and maintenance of the
Junior College, provided that no
bonds shall be issued and no taxes
collected until by vote of the ma-
jority of the qualified voters of the
Junior College District at an election
called for that purpose in accord-
ance with the provisions of the Gen-
eral Law providing for similar elec-
tions in independent school districts,
such bonds and taxes are authorized.
The election for the issuance of such
bonds for the levying of such tax
or taxes, shall be ordered by the
Board of Education of the Junior
College upon petition signed by 10
per cent of the qualified property-
tax-paying voters residing in such
district, praying for the issuance of
such bonds and the levying of such
tax or taxes. It shall be the duty of
the Board to order such election, and
the same shall be conducted and the
returns made to the Board of Educa-
tion of the Junior College District.
The issuance of the bonds for Junior
College purposes, and the provision
of the sinking fund for the retire-

ment thereof, and the payment of interest and the levying of taxes for the support and maintenance of the Junior College, shall insofar as same is applicable, be in accordance with the general election laws and the laws governing the issuance of bonds and the levying of taxes in the independent school district, provided the total amount of tax levied for the Junior College purposes shall never exceed twenty (20) cents on the \$100 of property valuation, based on the valuation fixed by the Equalization Board of the Commissioners' Court for State and county taxes in such counties."

"Provided that in counties having a population in excess of 350,000 inhabitants according to the last preceding or any future federal census, such tax, if levied, shall be based on valuations fixed by the Board of Equalization of such independent school district for school district purposes, and such taxes shall be collected by the Tax Collector designated by the Board of Trustees of such independent district as its Tax Collector."

Sec. 2. That House Bill No. 10 of the Regular Session of the 41st Legislature, 1929, as amended by Senate Bill No. 321 of Regular Session 44th Legislature, 1935, be and the same is hereby amended by adding thereto a new section, to be known as Section 7a, and reading as follows:

"Section 7a. The Board of Trustees of any single independent district in which a Junior College shall have already been created and which under the provision of this Act shall be under the control of such Board of Trustees may set aside for the maintenance of said college, not to exceed twenty per cent of the taxes collected in said district as theretofore authorized by a vote of the people residing in said district, in the manner provided by law, without the requirement of an election to be held in said district for the purpose of voting taxes for the maintenance of said college, provided, however, that the total amount of taxes levied in said district for the maintenance of the public schools therein situated, including said Junior College, shall not exceed the highest amount now allowed, or which may hereafter be

allowed by law for the maintenance of schools in an independent school district of this State; and, provided further, that this section shall apply only to those districts which had been using such funds for Junior College purposes prior to October 1, 1936."

Sec. 3. The crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

MOORE.

Read and adopted.

S. B. No. 11, as amended, was ordered engrossed by a viva voce vote.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Weinert.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

DeBerry.	Shivers.
Nelson.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Isbell.
Blackert.	Martin.
Burns.	Moore.
Collie.	Neal.
Cotten.	Oneal.
Davis.	Pace.
Hill.	Poage.
Holbrook.	Rawlings.
Hornsby.	Redditt.

Regan. Van Zandt.
Sanderford. Weinert.
Small. Westerfeld.
Stone. Woodruff.
Sulak.

Absent—Excused.

DeBerry. Shivers.
Nelson.

Motion to Recess.

On motion of Senator Pace, at 10:40 o'clock, the Senate recessed until 11:15 o'clock today.

After Recess.

At 11:15 o'clock a. m., the Senate was called to order.

S. C. R. No. 10.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Redditt:

S. C. R. No. 10, Granting J. E. Thomson permission to sue the State of Texas and Highway Department.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

S. C. R. No. 10 was read and adopted by a viva voce vote.

Adjournment.

On motion of Senator Small, at 11:18 o'clock, the Senate adjourned until 10 o'clock a. m. Tuesday.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Oct. 12, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Report.

Committee Room,
Austin, Texas, Oct. 12, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 11, A bill to be entitled

"An Act amending H. B. No. 10, Regular Session 41st Legislature, as amended by S. B. No. 321 of Regular Session 44th Legislature, 1935; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 12, 1936.

Hon. Walter F. Woodul, President of The Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 10, Granting J. E. Thomson permission to sue the State for monies due him on Highway Fund Treasury Warrant No. 104530, which said warrant was not received by him nor endorsed by him.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

October 13, 1936.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Woodruff.

Prayer by the Chaplain, Rev. B. W. Allen.